

Kansas State Fire Marshal – Fire Prevention Division

References (s):

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FIRE FACT 001 – OWNER RESPONSIBILITY

Facility owners and operators have the ultimate legal responsibility for the safety of all occupants within their facility. This responsibility cannot be transferred to any code authority, whether local or state.

The owner/operator has this responsibility:

- regardless of whether or not any inspections have been performed by any authority, whether local or state.
- regardless of whether or not a plan of correction has been accepted by any authority, whether local or state.
- regardless of whether or not any plan review has been done by any authority, whether local or state.

The Kansas State Fire Marshal's role is to provide life safety oversight. For certain types of facilities, this role is mandated by state law or Centers for Medicare and Medicaid Services.

The KSFM provides a risk management service. Assistance is provided to facility owners and operators to lower their potential risk from incidents that could endanger the occupants of the building. The KSFM identifies noncompliant life safety issues in new and existing facilities and we communicate these issues to the owner/operator. It is the job of the owner/operator to provide appropriate solutions.

New facilities shall comply with all applicable fire codes and regulations. Life Safety violations in new facilities are unacceptable.

KSFM cannot:

- Provide design services to the owner/operator
- Defer liability away from the owner/operator
- Provide guidance on how to correct fire issues

Facility owners and operators are responsible for maintaining all documentation concerning their facility. They must maintain correspondence that relates to acceptance of nonconforming conditions and plan approval. This documentation may be requested by inspectors at later on-site visits. Code footprints are the best way to document acceptance for nonconforming conditions and to document the code status of a facility.